



RESOLUTION

2005-06 HONOLULU CHARTER COMMISSION CHARTER AMENDMENT PROPOSAL FORM

Please approve a Charter proposal based upon the following that was originally drafted by the City Council.

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, TO AUTHORIZE THE ESTABLISHMENT OF URBAN GROWTH BOUNDARIES AND AGRICULTURAL PROTECTION ZONES ON OAHU.

WHEREAS, development on Oahu is guided by eight development plans which consist of conceptual schemes for implementing and accomplishing the objectives and policies of the general plan within the city; and

WHEREAS, each revised development plan that has been adopted delineates a boundary for urban growth to maintain the character and quality of the development plan area and to preserve the surrounding scenic and recreational resources for present and future generations to enjoy; and

WHEREAS, the boundary is referred to by different names in the plans, but the intent of the boundary is to halt the encroachment of urban uses into preservation and agricultural areas; and

WHEREAS, however, the development plans have no regulatory effect on land use and serve as a guide for zoning and other land use regulations; and

WHEREAS, the encroachment of urban uses into agricultural areas increases the cost to farmers to establish and operate agricultural activities, and increases the costs to the city of constructing and maintaining basic infrastructure such as roads, sewers and water; and

WHEREAS, the establishment of an urban growth boundary with regulatory effect on land use would communicate a policy that



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lands beyond the urban growth boundary will not be approved for zone changes for urban use, thereby removing the development pressures from farms, forests, and wildlands located outside the boundary; and

WHEREAS, adoption of an urban growth boundary with regulatory effect on land use will encourage higher density development, and more efficient uses of the land within the boundary, which reduces the costs of providing and maintaining infrastructure such as water, wastewater, roadways and public transportation, for the new developments; and

WHEREAS, adoption of agricultural protection zones will relieve pressure to convert agricultural lands into urban uses, and enhance the city's ability to preserve existing agricultural land for agricultural uses; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That it propose and it is hereby proposed that the following question be placed on the 2004 general election ballot:

"Shall the Revised City Charter be amended to:

- (1) Provide that the Council shall adopt Urban Growth Boundaries to prohibit long-range urban development in certain areas;
- (2) Provide that the Council shall adopt Agricultural Protection Zones to protect agricultural activities in certain areas;
- (3) Provide that amendments to the Urban Growth Boundaries and Agricultural Protection Zones can only be changed by a two-thirds vote of the entire membership of the Council; and

- (4) Make other clarifying and conforming amendments?"

2. That it propose and it is hereby proposed that a new section in Article 6, Chapter 15 of the Revised Charter of the City and County of Honolulu 1973, as amended, be added to read as follows:



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"Section 6-15__. **Urban Growth Boundaries --**

1. The director of planning and permitting shall prepare a proposed ordinance establishing urban growth boundaries and the administration thereof. As used in this section, "urban growth boundary" means a regulatory, parcel-specific area detailed on appropriate maps and located within each development plan area, wherein long-range urban development shall be prohibited in accordance with the goals, objectives and policies of the general plan and development plans. The proposed ordinance shall be prepared in consultation with the agencies of the executive branch, submitted to the planning commission for its review and recommendation, and then submitted to the council for its consideration.

2. Upon receipt of the proposed ordinance, the council shall hold a public hearing consistent with Section 13-106. Upon conclusion of the public hearing, the council may amend the proposed urban growth boundaries. The council shall adopt the ordinance establishing urban growth boundaries and the administration thereof.

3. After the enactment of the ordinance establishing urban growth boundaries, any amendment to the urban growth boundaries, whether initiated by the director or by the council, shall first be referred to the planning commission for its review and recommendation. Any proposed amendment initiated by the council shall be referred to the director and the planning commission by resolution. Any ordinance amending the urban growth boundaries shall require the affirmative vote of at least two-thirds of the entire membership of the council for final passage."

3. That it propose and it is hereby proposed that a new section in Article 6, Chapter 15 of the Revised Charter of the City and County of Honolulu 1973, as amended, be added to read as follows:



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"Section 6-15__. **Agricultural Protection Zones --**

1. The director of planning and permitting shall prepare a proposed ordinance establishing agricultural protection zones and the administration thereof. As used in this section, "agricultural protection zone" means a regulatory, parcel-specific area detailed on appropriate maps, wherein lands for agricultural activities shall be protected from conversion to urban uses in accordance with the goals, objectives and policies of the general plan and development plans. The proposed ordinance shall be prepared in consultation with the agencies of the executive branch, submitted to the planning commission for its review and recommendation, and then submitted to the council for its consideration.

2. Upon receipt of the proposed ordinance, the council shall hold a public hearing consistent with Section 13-106. Upon conclusion of the public hearing, the council may amend the proposed agricultural protection zones. The council shall adopt the ordinance establishing agricultural protection zones and the administration thereof.

3. After the enactment of the ordinance establishing agricultural protection zones, any amendment to the zones, whether initiated by the director or by the council, shall first be referred to the planning commission for its review and recommendation. Any proposed amendment initiated by the council shall be referred to the director and the planning commission by resolution. Any ordinance amending the agricultural protection zones shall require the affirmative vote of at least two-thirds of the entire membership of the council for final passage."

4. That it propose and it is hereby proposed that Section 6-1503 of the Revised Charter of the City and County of Honolulu 1973, as amended, be amended to read as follows:

"Section 6-1503. **Powers, Duties and Functions --**

The director of planning and permitting shall:

- (a) Prepare a general plan, [and] development plans, urban growth boundaries and agricultural



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protection zones and revisions thereof, for the improvement and development of the city.

(b) Establish procedures for adopting and revising the general plan, [and] development plans, urban growth boundaries and agricultural protection zones and amending state land use district boundaries. The director's procedures shall include provisions for the processing of any proposed revision to the general plan or development plans which is submitted with the prescribed level of supporting documentation, regardless of whether the proposal is supported by the director or the council. However, a proposal lacking such support shall be processed as an "unendorsed proposal" under the provisions of this chapter.

(c) Review the executive operating and capital program and budget for conformance to the purposes of the general and development plans and make a written report of findings to the council within thirty days after receipt of such program and budget.

(d) Prepare and submit to the council on at least a biennial basis a report on the condition of the city in terms of the general plan and development plans. In addition, the director shall prepare and submit to the council an annual report on the current status of land use and other data pertaining to the development plans.

(e) Undertake studies and prepare plans for special planning areas and issues.

(f) Perform other functions that will promote comprehensive planning, public participation and an efficient planning process.

(g) Prepare urban growth boundary, agricultural protection zone, and zoning ordinances, maps and rules and regulations and any amendments thereto.

(h) Prepare the land subdivision code and rules and regulations and any amendments thereto.



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(i) Establish procedures for the review of land utilization applications.

(j) Be charged with the administration and enforcement of the zoning, subdivision, park dedication, building and housing ordinances, and rules and regulations adopted thereunder, and any regulatory laws or ordinances which may be adopted to supplement or replace such ordinances.

(k) Review the following for conformance to city standards:

(1) Plans for wastewater facilities for other than city projects;

(2) Plans for construction, reconstruction, widening and maintenance of public streets and roads, including utilities, landscaping, street lighting, traffic control and related items;

(3) Plans for the construction, reconstruction and maintenance of bridges and walkways and drainage and flood control systems."

5. That it propose and it is hereby proposed that Section 6-1506 of the Revised Charter of the City and County of Honolulu 1973, as amended, be amended to read as follows:

"Section 6-1506. Powers, Duties and Functions --

The planning commission shall:

(a) Advise the mayor, council and the director of planning and permitting on matters concerning the planning programs.

(b) Hold public hearings and make recommendations on all proposals to adopt or amend the general plan, development plans, urban growth boundaries, agricultural protection zones and zoning ordinances. The commission shall complete its review and transmit its recommendations



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through the mayor to the council for consideration and action in a timely manner.

(c) Perform such other related duties as may be necessary to fulfill its responsibilities under this charter or as may be assigned by the mayor or the council."

6. That it propose and it is hereby proposed that Section 6-1509 of the Revised Charter of the City and County of Honolulu 1973, as amended, be amended to read as follows:

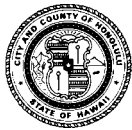
"Section 6-1509. Development Plans --

"Development plans" shall consist of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan within the city. A development plan shall include a map, statements of standards and principles with respect to land uses, statements of urban design principles and controls, and priorities as necessary to facilitate coordination of major development activities.

The development plans and maps (which shall not be detailed in the manner of zoning maps) shall describe the desired urban character and the significant natural, scenic and cultural resources for the several parts of the city to a degree which is sufficient to serve as a policy guide for more detailed urban growth boundaries, agricultural protection zones, zoning maps and regulations and public and private sector investment decisions.

Any depiction of an urban growth boundary or agricultural protection zone within the development plan, whether or not denominated as such, shall be conceptual in its application."

7. That it propose and it is hereby proposed that Section 6-1514 of the Revised Charter of the City and County of Honolulu 1973, as amended, be amended to read as follows:



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"Section 6-1514. Zoning Ordinances --

The council shall, after public hearings, enact zoning ordinances which shall contain the necessary provisions to carry out the purpose of the general plan and development plans. For purposes of this charter, the term "zoning ordinances" shall refer both to a codification of the standards listed below and/or described in state law and to ordinances designating and redesignating particular parcels of property in terms of that codification.

In enacting the ordinances, the council shall take into consideration the character of the several parts of the city and their peculiar suitability for particular uses and types of development with a view to encouraging the most appropriate use of land throughout the city. The ordinances shall contain reasonable standards with respect to the location, bulk, size and permitted densities of buildings and other structures, the area of yards and other open spaces, off-street parking and loading spaces, and the use of buildings and lots. No zoning ordinance shall permit urban development beyond the urban growth boundary established in section 6-15 , nor permit the conversion of agricultural lands to urban uses in the agricultural protection zones established in section 6-15 ."

8. Charter material to be repealed is bracketed; new charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the Revisor of the Charter need not include the brackets, the bracketed material, or the underscoring. If these Charter provisions are amended by any other Charter amendment approved by the electors at the 2004 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter: (1) may designate or redesignate articles, chapters, sections, or parts of sections and rearrange references thereto and (2) shall, except as otherwise expressly provided in this Resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved. The Revisor of the Charter may also change capitalization or the form of numbers and monetary sums for the sake of uniformity.



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9. That the City Clerk be and is hereby directed:

A. To prepare the necessary ballots with the question contained in this Resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2004 general election. The City Clerk may make technical and non-substantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and

B. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to its submission to the electors at the 2004 general election.

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10. That upon approval of the Charter amendment question posed in this Resolution by a majority of electors voting thereon, as duly certified, the Charter amendments proposed in this Resolution shall take effect on January 1, 2005.

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CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:

GENEVIEVE G. WONG
CITY CLERK

GARY H. OKINO
CHAIR AND PRESIDING OFFICER

Dated _____

ADOPTED MEETING HELD			
	AYE	NO	A/E
CACHOLA			
DELA CRUZ			
DJOU			
GABBARD			
GARCIA			
KOBAYASHI			
MARSHALL			
OKINO			
TAM			

Reference:

Report No.

Resolution No.

03-192